

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DANIEL J. SCHAFFER,

Petitioner,

vs.

MIKE BOWERSOX,

Respondent.

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Case No. 4:09CV1937 HEA

MEMORANDUM AND ORDER OF TRANSFER

This matter is before the Court on petitioner's motion to proceed in forma pauperis. The Court will grant the motion on a provisional basis. Additionally, the Court will transfer this case to the United States District Court for the Western District of Missouri.

Petitioner, a Missouri state prisoner, seeks a writ of habeas corpus under 28 U.S.C. § 2254. Petitioner is incarcerated in the Western District of Missouri, and petitioner's conviction arose in the Western District of Missouri.

Because petitioner's incarceration and conviction both lie in the Western District of Missouri, this Court lacks jurisdiction over the petition. However, rather than dismiss this action, the Court finds that it is in the interest of justice to transfer it to the United States District Court for the Western District of Missouri under 28 U.S.C. § 1631.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion to proceed in forma pauperis is **provisionally GRANTED**, subject to modification by the United States District Court for the Western District of Missouri.

IT IS FURTHER ORDERED that the Clerk shall transfer this case to the United States District Court for the Western District of Missouri. 28 U.S.C. § 1631.

Dated this 8th day of December, 2009.

A handwritten signature in black ink, appearing to read "Henry Edward Autrey", with a long horizontal flourish extending to the right.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE